

REMARKS

Claims 1-13 and 21-35 are pending in the present application. Claims 14-20 were previously canceled. Claims 1 and 28 have been amended. No new matter has been added.

The Office Action states that the preamble of the claim is not commensurate in scope with the body of the claim. While Applicant respectfully disagrees with the rejection, Applicant has amended claims 1 and 28 to remove any recitation of "integrated circuit" in order to move prosecution along. Since the body of the text made no mention of the integrated circuit, the scope of the claim has not changed and, therefore, entry of the amendment is appropriate.

Claim 1 has also been amended to correct a typographical error.

Each of the pending claims has been rejected in view of U.S. Patent No. 6,566,273, issued to Stephan Kudelka. Applicant respectfully submits that the Kudelka patent is not valid prior art under Section 102 in view of the concurrently submitted translation and affidavit.

The application that resulted in the Kudelka patent was published On January 2, 2003 (U.S. Patent Application Publ. No. 2003/0003759). The present application claims the benefit of German patent application 102 55 866.2, which was filed on November 29, 2002. A translation of the German priority application is attached hereto and clearly supports the presently claimed invention. The translation of the certified copy is accurate.

The Kudelka patent was originally filed on June 27, 2001, before the priority date. The reference is not valid prior art under Section 102(e), however, since the reference

describes Applicant's own work and, therefore, is not "by another." *See* MPEP § 2136.05. As evidence of this fact, Applicant has provided an affidavit by Stephan Kudelka. Mr. Kudelka is a co-inventor of the present application and the sole inventor of the Kudelka patent. Mr. Kudelka declares that any portions of the '273 patent that describe subject matter claimed in the above-referenced patent application was developed by him or learned by him from his co-inventors in the above-referenced patent application.

In view of the above, Applicant respectfully submits that this response complies with 37 C.F.R. § 1.116. Applicant further submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's attorney at the number listed below. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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